

ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18

Stylesheet Version v18.0

Title of Invention

Gas Dynamic Pressure Bearing Unit, Spindle Motor, Hard Disk Drive and Polygon Scanner Utilizing Gas Dynamic Pressure Bearing System

Application Number : 10/709523
Confirmation Number: 3522
First Named Applicant: Takeo Hayashi
Attorney Docket Number: 18.019-AG
Art Unit: 3682
Examiner: Lenard A Footland
Search string: (20030174911).pn



US Published Applications

Note: Applicant is not required to submit a paper copy of cited US Published Applications

init	Cite.No.	Pub. No.	Date	Applicant	Kind	Class	Subclass
	1	20030174911	2003-09-18	Oe	A1	384	107

Remarks

Note: Remarks are not for responding to an office action.

This IDS is being submitted after a notice of allowance in the present application. However, a statement as specified in 37 CFR 1.97(e) cannot be made, because the single reference (Cite No. 1) listed on the present IDS was known to individuals designated in 37 CFR 1.56(c) more than three months prior to the filing of this IDS. In fact, this single reference was listed in Applicant's IDS dated May 26, 2004 and considered by the examiner on July 26, 2005 in the instant case. Cite No. 1 in the present IDS was entered as "2003/174911" on the PTO/SB/08 form for Applicant's May 26, 2004 IDS, but was not considered by the examiner, because only documents identified by a full seven-digit number after the four-digit year designation (with no slash ["/"] intervening) can be retrieved from the PTO's online-accessible database of published US patent applications. In other words, "2003/174911" must be entered as "20030174911." But unless one has tried to retrieve a published US patent application online, one would not know that not only must the slash ("/") following the year designation be omitted, but also, as many zeros as necessary to "flesh out" the rest of the number to seven digits must be inserted after the year designation. MPEP section 609, under the section entitled, "IV. IDSs ELECTRONICALLY SUBMITTED (e-IDSs) USING THE EFS," states "It is most important that

the U.S. patent and U.S. patent application publication numbers listed on the e-IDS be accurate and devoid of transcription error since no copies of the documents listed on the e-IDS are provided in the file wrapper for the examiner to review. Instead the examiner will electronically retrieve the U.S. patents and U.S. patent application publications identified by the cited document numbers." It is respectfully submitted that the entry "2003/174911" was "accurate and devoid of transcription error." Filling in missing zeros immediately after the slash adds no additional information in terms of identifying the document. In MPEP section 609, the Office makes clear that an IDS must comply with the provisions of 37 CFR 1.97 and 1.98. Nevertheless, as to how a U.S. patent application publication must be listed, 37 CFR 1.98(b)(2) states only: "Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date." That is, 37 CFR 1.98(b)(2) does not say " Each U.S. patent application publication . . . shall be identified by . . . patent application publication number, which must be a seven-digit number following the publication year_." MPEP section 609 goes on to say, "The only mechanism for having the correct document reviewed and considered when an erroneous U.S. patent or U.S. patent application publication is cited in an e-IDS will be by citing the correct citation number in a subsequent IDS that conforms to the requirements of 37 CFR 1.97 and 1.98." The present IDS is an attempt at such a mechanism. Yet fortunately and unfortunately, the present application has been allowed, and thus complying with 37 CFR 1.97 at this point would require not only the fee set forth in 37 CFR 1.17(p), but also a statement as specified in 37 CFR 1.97(e). But as noted earlier, such a statement cannot be made. It is respectfully submitted that Applicant's May 26, 2004 IDS was a bona fide attempt to comply fully with the provisions of 37 CFR 1.97 and 1.98, and as such the present IDS--as simply the resubmission of a document number in the form not stated explicitly in the rules, but only understood through actual experience--should be considered. Nonetheless, if the present IDS is deemed, as set forth in MPEP 609 III. C(1), to be non-complying, it is earnestly requested that this IDS be placed in the file to be on permanent record in this application.

Signature

Examiner Name	Date